Game Changing Bills?

Posted on: December 23, 2025

A Developers Guide to New Zealand’s Next-Generation Planning and Environment Regime

After two years of anticipation and step-by-step resource management reform, the Government has now increased momentum and moved into the most significant stage of change in a generation. Two new bills, the Planning Bill and the Natural Environment Bill (the Bills), have been introduced to replace the Resource

Management Act 1991 (RMA). Complementary changes are also proposed to how infrastructure is funded and financed, with a particular focus on supporting housing and urban growth.

For those involved in development, including landowners, infrastructure providers and developers, these changes mark a significant shift in how projects will be planned, consented and delivered. Although a lot of the detail is absent (and will sit in future national direction and secondary legislation) the overall direction is clear. The Government is moving toward a more directive and nationally consistent system. Fewer activities will require consent, what can be assessed will be tightly focussed and overall, planning decisions and infrastructure delivery will be more strongly aligned.

This article summarises the Bills as they were introduced to Parliament on 9 December 2025. The Bills are now being considered by the Environment Select Committee, with submissions closing on 13 February 2026. The Bills could change through the Parliamentary process, and we will be following any changes closely. The Government has signalled a clear intention to have them enacted before the 2026 election.

In a separate article we discuss the signalled timing for the transition to the new system (some aspects will have effect immediately around mid-2026). You can view our article on the transition here.

A More Directive Planning Framework

The new system is designed to operate from the top down. National policy direction and standards at the top will play a central role, setting clear objectives and expectations for councils and other participants. As those directions are applied at the regional and local level, including through regional spatial plans, the scope of matters that can be regulated is intended to narrow. Picture an upside-down triangle or “funnel”.

From a development perspective, this responds to a long-standing issue under the RMA: uncertainty created by broad statutory tests and wide local discretion. By setting key policy through national direction rather than leaving it to be worked through at consent stage, the new framework is intended to provide clearer

direction earlier in the development process.

Regional spatial plans will help guide future development and infrastructure over a 30-year period. The plans will also consider areas at risk from natural hazards, including flooding. The intention is that by providing a clearer long-term picture for development, spatial plans will assist with making development more predictable and efficient. That, in turn, should support more robust feasibility assessments and investment decisions.

Two New Acts with Distinct Roles

The replacement of the RMA with two separate Acts is deliberate.

The Planning Bill regulates land use and development, with an emphasis on enabling housing, infrastructure and productive activity. The Natural Environment Bill regulates the management and use of natural resources and the protection of the environment, focusing on setting limits and seeking to achieve outcomes rather than broad discretion.

For development proposals, separating land use from environmental limits is a significant structural change. Environmental limits will still apply, but any tension between the two pieces of legislation is intended to be resolved through national direction and regional spatial plans, rather than through project specific argument on each resource consent application. Over time, this aims to reduce uncertainty and lower consenting risk. Whether this will eventuate or lead to more litigation and conflict will depend on how system goals are managed through national direction (still to come), spatial planning, and combined planning outputs.

Narrowing the Scope of Consenting

One notable change for development projects is the narrowing of the range of effects that can be considered during consenting.

Matters that will no longer be assessed include visual amenity, internal and external building layout, landscape, precedent, and impacts on trade competition.

Alongside this, the removal of non-complying and controlled activity categories, and the direction that less than minor adverse effects must not be considered (unless there is a cumulative impact), reflects the intention to move towards a more permissive and predictable consenting framework.

In practical terms, this is aimed at responding to concerns about excessive delay and costs under the RMA. By excluding these matters, the new system is intended to support more efficient processing and reduce cost and the risks of drawn out disputes.

Notification, Participation and Dispute Resolution

Public participation will also be limited. Notification will generally only occur where adverse effects are more than minor under the Planning Bill or significant under the Natural Environment Bill. Participation will be limited to those who are materially affected.

A new Planning Tribunal, operating as a division of the Environment Court, will deal with lower-level procedural disputes (such as notification decisions, requests for further information and the interpretation of consent conditions). The Environment Court will continue to hear plan appeals, notified consents, enforcement proceedings and appeals on points of law from the Tribunal.

For development projects, this structure is intended to allow procedural issues to be dealt with more efficiently, moving projects through the system faster.

Regulatory Relief Framework

The Bills introduce a new regulatory relief framework. This requires councils to provide relief where planning controls have an unreasonable impact on landowners. However, this is limited to the following matters: heritage, outstanding landscapes or features, sites of significance to Māori, and matters high in natural character. It does not include natural hazard controls. “Relief” could be rates relief, bonus development rights, no-fees consents, land swaps, access to grants or cash payments.

For development land subject to multiple overlays, this introduces an explicit proportionality check on the application of controls. While the detail of how relief will operate in practice will be important, the framework signals a stronger focus on balancing regulatory objectives with land use and development potential. It is also worth noting that the system encourages landowners to help protect native plants and animals by making sure there is 'no net biodiversity loss'. However, it will enable 'offsetting' of that loss by restoring other areas or habitats. Biodiversity credits may also reward landowners who actively protect and enhance native biodiversity, but those details are still to be worked through.

Development Pathways

Direct referral to the Environment Court will be removed from the system. Previously, this process allowed large-scale, complex, or controversial projects to bypass the council stage and go straight to the Environment Court. While fast-track legislation remains in place, it involves significant costs and tight timeframes.

The likely rationale for removing direct referral is that, with fewer consents expected and more limited effects to consider, the system should have greater capacity to process applications. However, eliminating this option reduces the number of pathways available to developers and infrastructure providers.

Infrastructure Funding Reform and Development Feasibility

The Government is currently consulting on changes to the way growth related infrastructure is funded under the Going for Housing Growth programme. The aim is to support the timely delivery of infrastructure needed to enable development, while managing impacts on council balance sheets and existing ratepayers. Consultation by the Ministry of Housing and Urban Development on the "Supporting growth through a development levies system" and exposure draft of the Local Government (Infrastructure Funding) Amendment Bill closes on 20 February 2026.

A central part of the proposal is a move from traditional financial and development contributions to a development levy system. Development levies would be set across defined urban areas or growth catchments and used to fund identified

infrastructure required to support housing and urban development. Councils would have greater flexibility to respond to changing growth patterns, while charges would be subject to regulatory oversight to ensure they are appropriate and transparent.

The reforms also expand the use of targeted rates for growth infrastructure, including allowing targeted rates to apply when new rating units are created at subdivision stage. Targeted rates may be used on their own or alongside development levies, particularly where infrastructure benefits both new developments and existing communities.

Proposed amendments to the Infrastructure Funding and Financing Act 2020 are intended to broaden its scope and streamline the approval processes, making it a more practical option for supporting infrastructure that enables development, including developer led projects. The Infrastructure Funding and Financing Amendment Bill was introduced to Parliament last month and the Finance and Expenditure Select Committee submission period closes on 20 February 2026.

At a high level, for developers, these changes shift the emphasis away from purely site-specific contributions toward a more strategic approach to funding infrastructure. As a result, early engagement on infrastructure strategies and funding assumptions is likely to become an increasingly important part of development feasibility.

Looking Ahead

As they say – the devil is in the detail. Here, much will depend on the detail of national direction, infrastructure funding settings and how the new framework is implemented at the local level. Taken together however, the reforms represent a significant recalibration of New Zealand’s planning and development system.

For developers, the changes point toward greater clarity earlier in the development process, more focused consenting pathways and stronger alignment between planning decisions and infrastructure investment. Understanding how the new planning and infrastructure settings interact will be an important part of managing risk and shaping development strategy as the reforms progress.

For those developers working in the current resource management system your

feedback will be valuable on the proposals to help ensure that the new system will work better in the future.

If you would like advice on what the changes mean for you, or if you would like assistance drafting submissions on the Bills through the Select Committee process (due Friday, 13 February 2026), please contact a member of our Planning and Environment team.